

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

Plaintiff,

v.

YANG TOK WITTIG (individually and in
her capacities as presumptive co-personal
representative of the Estate of Mark Edwin
Wittig and co-testamentary trustee under the
Will of Mark Edwin Wittig), ANDRE
WATTE (in his capacities as presumptive
co-personal representative of the Estate of
Mark Edwin Wittig and co-testamentary
trustee under the Will of Mark Edwin
Wittig), BILL CLARK (in his capacities as
presumptive co-personal representative of
the Estate of Mark Edwin Wittig and co-
testamentary trustee under the Will of Mark
Edwin Wittig), ESTATE OF MARK
EDWIN WITTIG, and I.W., a minor,
through her natural guardian, Ana P.
Morales,

Defendants.

NO. 3:20-cv-05070 JLR

**~~PROPOSED ORDER GRANTING~~
PLAINTIFF THE PRUDENTIAL
INSURANCE COMPANY OF
AMERICA'S MOTION FOR
APPOINTMENT OF
REPRESENTATIVE TO INITIATE
PROBATE OF THE ESTATE OF
MARK EDWIN WITTIG, FOR
DEFAULT JUDGMENT AGAINST
DEFENDANTS BILL CLARK AND
ANDRE WATTE, AND FOR
INTERPLEADER RELIEF**

**~~PROPOSED~~ ORDER GRANTING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
REPRESENTATIVE TO INITIATE PROBATE OF THE
ESTATE OF MARK EDWIN WITTIG, FOR DEFAULT
JUDGMENT AGAINST DEFENDANTS BILL CLARK
AND ANDRE WATTE, AND FOR INTERPLEADER
RELIEF- 1**

GORDON & POLSCER, L.L.C.
9020 SW Washington Square Rd., Suite 560
Tigard, OR 97223
(503) 242-2922

**PROPOSED ORDER GRANTING PLAINTIFF, THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA’S MOTION FOR APPOINTMENT OF REPRESENTATIVE
TO INITIATE PROBATE OF THE ESTATE OF MARK EDWIN WITTIG, FOR
DEFAULT JUDGMENT AGAINST DEFENDANTS BILL CLARK AND ANDRE
WATTE, AND FOR INTERPLEADER RELIEF**

This matter, having been brought to the Court upon a Motion filed by Plaintiff, The Prudential Insurance Company of America (“Prudential”), for entry of an Order: (1) appointing a representative to initiate probate proceedings of the Estate of Mark Edwin Wittig (“Estate”); (2) entering default judgment against Defendants Bill Clark and Andre Watte; (3) granting interpleader relief with regard to certain life insurance proceeds in the amount of \$100,000.00 (“Remaining Death Benefit”) out of a total Death Benefit of \$400,000, due as a consequence of the death of Mark Edwin Wittig, deceased (“Insured”), who was insured under a group life insurance policy bearing group policy number G-32000 (the “Group Policy”), issued by Prudential to the Department of Veterans Affairs of the United States, pursuant to the Servicemembers’ Group Life Insurance Statute, 38 U.S.C. § 1965, et seq.; (4) discharging Prudential from any and all liability to the claimants with regard to the Group Policy and/or the Remaining Death Benefit; (5) enjoining Defendants from bringing any action arising out of, or in connection with, Prudential relating to the Policy and/or the Remaining Death Benefit; and (6) dismissing Prudential from this action with prejudice. Prudential having previously deposited the Remaining Death Benefit into the Court’s Registry,¹ and the Court having appointed Virginia L. DeCosta as guardian *ad litem* for minor Defendant, I.W., and the Court having considered the application:

¹ On August 24, 2020, Prudential deposited \$100,439.29, representing the Remaining Death Benefit plus applicable claim interest, into the Court’s Registry. (Doc. No. 32.)

1 **IT IS ORDERED** that:

2 1. Prudential's Motion for Appointment of a Personal Representative for the Estate of
3 Mark Edwin Wittig is hereby **GRANTED**.

4 2. The Court hereby appoints Michael B. Smith of Comfort Davies & Smith P.C. as a
5 representative for the Estate of Mark Edwin Wittig (the "Estate") who is hereby directed to
6 initiate probate proceedings to open the Estate. Personal Representative Smith shall be
7 compensated from the Estate.

8 3. Prudential's Motion for Default Judgment against Defendants, Bill Clark and
9 Andre Watte, is hereby **GRANTED**.

10 4. Prudential's Motion for Interpleader Relief is hereby **GRANTED**. Prudential shall
11 be, and hereby is, discharged from any and all liability to Defendants, Yang Tok Wittig ("Mrs.
12 Wittig"), Andre Watte ("Watte"), Bill Clark ("Clark"), the Estate of Mark Edwin Wittig (the
13 "Estate"), and I.W., a minor, relating to the Group Policy and/or the Remaining Death Benefit
14 payable thereunder, and Mrs. Wittig, Watte, Clark, the Estate, and I.W. are permanently enjoined
15 from bringing any action or proceeding in any forum, or making any further actual or implied
16 claims, demands and causes of action, asserted or unasserted, liquidated or unliquidated, or
17 bringing any action or proceeding in any forum against Prudential, arising out of or relating to the
18 Group Policy and/or the Remaining Death Benefit.

19 5. All claims, rights, interests, and actions that Mrs. Wittig, Watte, Clark, the
20 Estate, and I.W. might otherwise have held against Prudential and its present and former
21 parents, subsidiaries and affiliated corporations, predecessors, successors and assigns and their
22 respective officers, directors, agents, employees, representatives, attorneys, fiduciaries and
23 administrators, with respect to the Group Policy and/or the Remaining Death Benefit are hereby
24 released.

25 ~~PROPOSED~~ ORDER GRANTING PLAINTIFF'S
26 MOTION FOR APPOINTMENT OF
REPRESENTATIVE TO INITIATE PROBATE OF THE
ESTATE OF MARK EDWIN WITTIG, FOR DEFAULT
JUDGMENT AGAINST DEFENDANTS BILL CLARK
AND ANDRE WATTE, AND FOR INTERPLEADER
RELIEF- 3

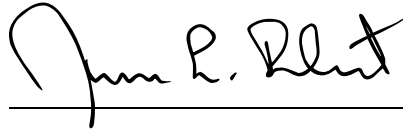
GORDON & POLSCER, L.L.C.
9020 SW Washington Square Rd., Suite 560
Tigard, OR 97223
(503) 242-2922

1 6. All claims against Prudential are hereby dismissed with prejudice, and Prudential
2 is hereby dismissed with prejudice from this litigation.

3 7. This Court retains jurisdiction over Mrs. Wittig, the Estate, and I.W. who are
4 compelled to litigate, adjust, and/or settle among each other their respective and lawful
5 entitlement to the money paid into the Court's registry by Prudential, or upon their failure to do
6 so, this Court shall settle and adjust the claims and determine to whom the within total funds
7 shall be paid.

8 8. Counsel for Prudential shall serve a copy of the within Order upon all parties
9 within seven (7) days of its receipt.

10
11 DATED this 11th day of December, 2020

12
13
14 

15
16 THE HONORABLE JAMES L. ROBART
17 United States District Court Judge

18
19
20
21
22
23
24
25 ~~PROPOSED~~ ORDER GRANTING PLAINTIFF'S
26 MOTION FOR APPOINTMENT OF
 REPRESENTATIVE TO INITIATE PROBATE OF THE
 ESTATE OF MARK EDWIN WITTIG, FOR DEFAULT
 JUDGMENT AGAINST DEFENDANTS BILL CLARK
 AND ANDRE WATTE, AND FOR INTERPLEADER
 RELIEF- 4

GORDON & POLSCER, L.L.C.
 9020 SW Washington Square Rd., Suite 560
 Tigard, OR 97223
 (503) 242-2922